IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

WP(C).No. 6623 of 2007(L)

PETITIONER:
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1. **SUKANYA KRISHNAN, THOTTUKARA HOUSE, PRAYAR NORTH, ALAPPUZHA REPRESENTED BY NEXT FRIEND RETNAMMA MOHAN.**

2. **RETNAMMA MOHAN, RETNALAYAM, PULLIKANAKKU P.O., KAYAMKULAM, ALAPPUZHA DISTRICT.**

BY ADV. SRI.R.KRISHNA RAJ

RESPONDENTS:
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1. **SUB INSPECTOR OF POLICE, KAYAMKULAM POLICE STATION, KAYAMKULAM.**

2. **CIRCLE INSPECTOR OF POLICE, KAYAMKULAM CIRCLE, KAYAMKULAM.**

3. **SUMA, THOTTUKARA HOUSE, PRAYAR NORTH, ALAPPUZHA DISTRICT.**

4. **RAMESH, ALUMMOOTTILTHARAYIL, KOCHUMURI, OCHIRA, ALAPPUZHA DISTRICT.**

5. **KRISHNA BALAN, C/O.RETNAMMA, NJARAKKAL HOUSE, THOOKKUKOLAM, ALAPPUZHA.**

BY GOVT.PLEADER SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C)No.6623 OF 2007

Dated 12th March, 2007

JUDGMENT

Koshy,J.

Petitioners as well as the third respondent were present. It is the case of the petitioners that first petitioner, a minor, sought asylum of second petitioner because of the torture made by fourth respondent who is living with the third respondent mother. According to them, police is harassing them. Third respondent, mother of the first petitioner, stated that she is a cancer patient, that she is living with the earnings from the employment in a shop, that her husband left when she became a cancer patient and his whereabouts are not known and it is true that the fourth respondent is helping her occasionally. But, the allegation that fourth respondent is harassing the first petitioner is not correct and third respondent has no special relationship with the fourth respondent. It is further submitted that she will protect the first petitioner and will not give any room for complaint by the first petitioner.

2. Government Pleader on instructions submitted that since first petitioner was a minor, a crime was registered.

However, on the facts and circumstances of the case, we are of the opinion that the second petitioner or her family members should not be harassed because everything occurred due to circumstances beyond their control. The first petitioner sought asylum there and there is no kidnapping. A compassionate and practical approach has to be made by the police and the matter has to be closed in view of the fact that first petitioner has agreed to live with the third respondent. If any complaint is made by the first petitioner, that should be looked into by the police and appropriate action should be taken.

The writ petition is disposed of accordingly.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

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